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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

CV '07 - 1886 - HA

FILED 07 DEC 27 11:22 AM '08

ORIGINAL

KELLY SERVICES, INC.,
a Delaware corporation,

Plaintiff,

v.

COLLET A. MORGAN

Defendant.

Civil No.: _____

TEMPORARY RESTRAINING ORDER

The Court having reviewed Plaintiff Kelly Services, Inc.'s ("Kelly") Verified Complaint, Motion for Temporary Restraining Order and Preliminary Injunction and Brief in Support thereof, and the Court being otherwise duly advised in the premises;

IT IS HEREBY ORDERED THAT:

At such future time as Judge Hafferty may set,
(1) ~~On _____, at _____ a.m. / p.m., a hearing is~~ *will be*

scheduled on Kelly's Motion for a Preliminary Injunction.

(2) Defendant Collet A. Morgan is temporarily enjoined, directly or indirectly:

- (a) From working for, or acting as, an employee, partner, stockholder, investor, owner, director, agent, or consultant for a competitor of Kelly (including, but not limited to, Manpower) within Oregon, Alaska, North Dakota, South Dakota, Idaho, and Montana until further order of the Court;
- (b) From soliciting or performing services for any Kelly customer and client or prospective customer and client until further order of the Court;
- (c) From soliciting or being involved in the recruitment or hire of any Kelly employee until further order of the Court;
- (d) From ever using or disclosing any of Kelly's confidential, proprietary or trade secret information or property;
- (e) From interfering, in any way, with any current or prospective customer or employee relationship of Kelly; and
- (f) From breaching any fiduciary obligation and duties of loyalty to Kelly, including but not limited to, appropriating any business opportunity of Kelly, engaging in deceptive acts or statements with regard to Kelly's abilities, experiences and personnel, or otherwise attempting to gain unfair advantage in the employee leasing and staffing business.

The Court preliminarily finds, based on the record, that
 (3) A Kelly stands to lose its employees, clients and customers, confidential,

proprietary and trade secret information, the goodwill and referral business of its clients and customers, and revenues in an amount that cannot be readily ascertained. Kelly is also faced with the substantial risk that Defendant will unlawfully use Kelly's client and customer information and trade secrets to Kelly's competitive disadvantage. Such anticipated losses constitute irreparable harm in that they are so indefinite and speculative as to be incapable of exact proof.

preliminarily finds based on
 (4) The Court ~~is satisfied based on the evidence presented that it clearly appears~~

~~from~~ the specific facts shown by the Verified Complaint that immediate and irreparable injury, loss or damage will result to Plaintiff, should this Temporary Restraining Order not issue.

Based on the representations of Plaintiff's counsel,
 (5) ~~To the extent this Court grants this Order without notice to Defendant Morgan,~~
~~the Court finds that the irreparable harm to Kelly if a Temporary Restraining Order is denied~~
~~outweighs the harm to Defendant Morgan if it is granted. Further, the public interest in~~
~~protecting confidential information and preserving the status quo justifies issuance of this~~
~~Order.~~

(6) Defendant shall immediately return all Kelly property to Kelly, including all originals and copies of tangible property, proprietary documents, trade secrets, confidential information, discs, notes, client files, client information, employment information, business development information, request for proposal, request for bid, client correspondence, meeting minutes, notes of site visits, marketing data, prospect meeting data, proposals, faxes, financial information, pricing, contracts, marketing brochures, marketing database, marketing plans, costs, customer lists, customer information, internal weaknesses, prospect lists, client lists, employee lists, alliance relationships, competitive bid information, client contact lists, sales leads, prospective employee lists, business plans, profit, margin, and forecasting information, strategic planning, project costs, and any other Kelly data kept in any form or media whatsoever.

(7) Defendant shall preserve all evidence, including hard copies, electronic, computer or any other format, which in any way relates to the claims made in this case.

(8) The Plaintiff is required to post a bond, if any, in the amount of
 \$ 50,000 by NOON on 12/31, 2007.

(9) This Order is issued on December 27, 2007 at 11:00 a.m. /

~~\$~~

(10) This Order shall remain in effect until further Order of the Court.

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TEMPORARY RESTRAINING ORDER
Page 3

(11) A copy of this Order and Notice of Hearing on Kelly's Motion for Preliminary Injunction must be served on Defendant by without undue delay, along w/ service
copies of Summons and Complaint - Plaintiff shall provide judge
IT IS SO ORDERED. Haggerty with a written status report
no later than January 7, 2008.
Austin G. Brown
United States District Court Judge

SUBMITTED BY:

BULLIVANT, HOUSER, BAILEY, PC

By:

Clay D. Creps
Clay D. Creps, OSB #92044

Attorneys for Plaintiff